

1 Honorable Ricardo S. Martinez  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CHERYL ENSTAD et al.,

Plaintiffs,

vs.

PEACEHEALTH,

Defendant.

No. 2:17-cv-01496-RSM

**JOINT UPDATE TO COURT RE: STATUS  
OF SETTLEMENT DISCUSSIONS AND  
STIPULATION TO STAY PROCEEDINGS  
FOR ADDITIONAL 30 DAYS**

Note on Motion Calendar: November 21, 2018

Location: 13206

Judge: Hon. Ricardo S. Martinez

Complaint Filed: October 5, 2017

1                   Defendant PeaceHealth (“PeaceHealth”) and Plaintiffs Cheryl Enstad and Pax Enstad  
 2 (“Plaintiffs”), by and through their counsel and pursuant to Local Rules 7(d)(1) and 10(g),  
 3 respectfully request that the Court continue to stay the proceedings in this action while the parties  
 4 engage in settlement efforts.

5                   1.        This case was filed on October 5, 2017, and concerns health coverage for gender  
 6 transition surgery for minor plaintiff Pax Enstad. (ECF No. 1.)

7                   2.        On November 7, 2017, the Court entered an Order vacating the deadlines for the  
 8 parties to (1) conduct the Federal Rule of Civil Procedure (“FRCP”) Rule 26(f) conference; (2)  
 9 file the Joint Status Report and Discovery Plan as required by FRCP and Local Rule 26(f); and  
 10 (3) conduct initial disclosures pursuant to FRCP Rule 26(a)(1). The Order also stated that the  
 11 Court would issue a revised Order setting these deadlines to commence thirty days after its ruling  
 12 on PeaceHealth’s anticipated Motion to Dismiss. (ECF No. 21.)

13                   3.        On January 8, 2018, PeaceHealth filed its Motion to Dismiss Complaint Pursuant  
 14 to Rule 12(b)(6), with a Noting date of February 9, 2018. (ECF No. 25.)

15                   4.        On February 5, 2018, Plaintiffs filed their Opposition to Defendant’s Motion to  
 16 Dismiss Complaint. (ECF No. 27.)

17                   5.        Also on February 5, 2018, Plaintiffs filed a Motion to Certify Question to  
 18 Washington Supreme Court with a Noting Date of February 23, 2018. (ECF No. 28.)

19                   6.        On February 8, 2018, the Court entered an order extending the time for  
 20 PeaceHealth to file its Reply Brief in Support of its Motion to Dismiss from February 8, 2018 to  
 21 February 12, 2018, and extending the time for Plaintiffs to file their Reply Briefs in Support of  
 22 their Motion to Certify from February 23, 2018 to February 26, 2018. (ECF No. 30.)

23                   7.        On February 12, 2018, PeaceHealth filed its Reply Brief in Support of its Motion  
 24 to Dismiss. (ECF No. 31.)

25                   8.        On February 26, 2018, Plaintiffs filed their Reply Brief in Support of their Motion  
 26 to Certify. (ECF No. 32.)

27                   9.        Both the Motion to Dismiss and the Motion to Certify remain pending. No other  
 28 motions or hearings are pending and there are no other deadlines set in this case.

1           10. On April 26, 2018, the Court granted the parties' Stipulated Motion to Stay  
 2 Proceedings so that the parties could pursue settlement efforts, and required the parties to file an  
 3 update with the Court regarding the status of the parties' settlement negotiations within 90 days  
 4 unless the case had been settled and dismissed by that date. (ECF No. 38.)

5           11. On July 24, 2018, the Court granted the parties' Stipulated Motion to Stay  
 6 Proceedings for an additional 60 days, and required the parties to file an update with the Court  
 7 regarding the status of the parties' settlement negotiations within 60 days unless the case had been  
 8 settled and dismissed by that date. (ECF No. 40.)

9           12. On September 24, 2018, the Court granted the parties' Stipulated Motion to Stay  
 10 Proceedings for an additional 30 days, and required the parties to file an update with the Court  
 11 regarding the status of the parties' settlement negotiations within 30 days unless the case had been  
 12 settled and dismissed by that date. (ECF No. 42.)

13           13. On October 25, 2018, the Court granted the parties' Stipulated Motion to Stay  
 14 Proceedings for an additional 30 days, and required the parties to file an update with the Court  
 15 regarding the status of the parties' settlement negotiations within 30 days unless the case has been  
 16 settled and dismissed by that date. (ECF No. 44.)

17           14. The parties have continued settlement negotiations and are currently exchanging  
 18 final drafts of a settlement agreement. The parties hope to have a final agreement executed within  
 19 the next two weeks and believe that it is worthwhile to continue the negotiations.

20           15. Accordingly, the parties desire to maintain the current stay of all proceedings in  
 21 this action for 30 days, through and including December 24, 2018, so that they may continue to  
 22 devote their efforts toward settlement of this action.

23           16. The parties believe that the requested stay will not prejudice any party or result in  
 24 a waste of judicial resources.

25           17. Should the Court grant this Motion and issue an order continuing the stay of all  
 26 proceedings in this action for an additional 30 days, the parties further agree to file with the Court  
 27 an update regarding settlement status on or before December 24, 2018 unless the case has been  
 28 settled and dismissed before that date.

1       18. Accordingly, for good cause, PeaceHealth and Plaintiffs request that the Court  
2 approve the parties' stipulation and continue the existing stay of this action for an additional 30  
3 days while the parties pursue settlement.

4       A proposed form of order is lodged herewith.

5       Dated: November 21, 2018

6       By: /s/Lisa Nowlin

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33       Dated: November 21, 2018

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 21st day of November 2018, I electronically filed the foregoing :

**JOINT UPDATE TO COURT RE: STATUS OF SETTLEMENT  
DISCUSSIONS AND STIPULATION TO STAY PROCEEDINGS FOR  
ADDITIONAL 30 DAYS**

with the Clerk of Court using the Electronic Filing System which will send notification of such filing to the counsels:

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